

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID VENTURA,

Plaintiff,

-against-

AMKC JANE DOE OFFICERS; AMKC  
JOHN DOE OFFICERS,

Defendants.

21-CV-11132 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated February 2, 2022, the Court directed Plaintiff to show cause within 60 days why this action should not be dismissed as time-barred, and specified that failure to comply would result in dismissal of the complaint. A copy of the order was mailed to Plaintiff at the Anna M. Kross Center on Rikers Island, but on February 22, 2022, it was returned to the court as undeliverable because Plaintiff had been discharged. Public records maintained by the New York City Department of Correction (DOC) confirm that Plaintiff is no longer in DOC's custody.

Plaintiff has not complied with the Court's order, failed to update his address, and has not communicated with the Court. Accordingly, the complaint, filed *in forma pauperis* (IFP) under 28 U.S.C. § 1915(a)(1), is dismissed for failure to state a claim on which relief may be granted because it is time-barred. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

*Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 12, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge